

STATE OF INDIANA
COUNTY OF MARION

) BEFORE THE INDIANA
) SS:
) COMMISSIONER OF INSURANCE
) Cause Number: 7573-AG08-1105-273

IN THE MATTER OF:

)
)
) Massey Abstract, Inc.,
) 307 Washington Street
) PO Box 211
) Covington, IN 47932
) License No.: 1917980
) Respondent/Producer
)

And)

)
) Linda Massey,
) 1020 FOURTH ST
) COVINGTON, IN 47932
) License No.: 1745990
) Respondent/Producer
)

FILED

NOV 00 2008

STATE OF INDIANA
DEPT. OF INSURANCE

PETITION FOR EMERGENCY SUSPENSION

The Title Insurance Division of the Indiana Department of Insurance ("Department"), pursuant to Indiana Code 4-21.5-4, Indiana Code 27-1-15.6-12 and Indiana Code 27-1-3.1 *et seq.*, files its petition for emergency suspension against the title insurance producer licenses of Massey Abstract, Inc. and Linda Massey, and states:

1. Massey Abstract, Inc. ("Massey Abstract") is a title insurance producer holding license number 1917980. Massey Abstract's principal place of business is 307 Washington Street, PO Box 211, Covington, IN 47932e4.
2. Linda Massey is a title insurance producer holding license number 1745990. Linda Massey is the owner of Massey Abstract.

3. Massey Abstract was an appointed agent of Stewart Title Guaranty Company ("STGC") and the agency relationship terminated on June 30, 2008.

4. Massey Abstract owes STGC approximately \$40,000.00 in unpaid insurance premium that was collected from consumers who closed at Massey Abstract but was not remitted to STGC.

5. Since the agency relationship was terminated, Linda Massey and Massey Abstract have continued to represent themselves as STGC agents and have issued title commitments and closing protection letters on STGC's behalf. An affidavit of David A. Morgan, Senior Insurance Examiner for the Indiana Department of Insurance, attesting to these facts is attached as **Exhibit "A"** and incorporated into this document.

6. Linda Massey and Massey Abstract have also closed real estate transactions and prepared HUD-1 Settlement Statements which indicate that title insurance was purchased by consumers. However, these consumers have paid for title insurance but have no coverage.

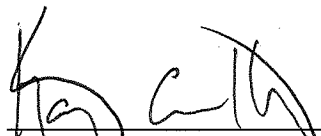
7. The Department has serious consumer protection concerns regarding Massey Abstract and Linda Massey.

8. An emergency exists in that Respondents have valid Indiana insurance producer licenses and they are collecting money from consumers for title insurance and related products but they have no authority from an insurance company to do so.

9. Under Indiana Code 4-21.5-4-2(a)(1), the Commissioner may, in an emergency, issue orders without notice or an evidentiary proceeding. Upon issuance of an emergency order, the Respondent may request a hearing as quickly as practicable under Indiana Code 4-21.5-4-4.

10. Respondents' insurance producer licenses should be suspended on an emergency basis for a period of ninety (90) days or until terminated by the Commissioner.

WHEREFORE, the Department requests that the Commissioner issue an order suspending the insurance producer licenses of Massey Abstract, Inc. and Linda Massey under Indiana Code §4-21.5-4-2, and for all other necessary and proper relief.

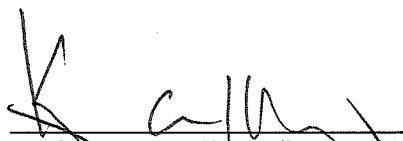

Kathy Carr Hulbert, #23529-49A
Managing Attorney
Title Insurance Division

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon Respondent's ~~counsel~~ at the address listed below by United States First Class mail, postage prepaid, this 6th day of November, 2008.

Massey Abstract, Inc.,
307 Washington Street
PO Box 211
Covington, IN 47932

Linda Massey ,
1020 FOURTH ST
COVINGTON, IN 47932


Kathy Carr Hulbert, #23529-49A

Title Insurance Division
Indiana Department of Insurance
311 West Washington
Indianapolis, IN 46204-2787
(317) 234-5151

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Respondent/Producer)

And)

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Linda Massey,)
1020 FOURTH ST)
COVINGTON, IN 47932)
License No.: 1745990)
Respondent/Producer)

AFFIDAVIT OF DAVID A. MORGAN

I, David A. Morgan, having been first duly sworn, state:

1. I am a Senior Insurance Examiner for the Title Insurance Division of the Indiana Department of Insurance.
2. I have personally confirmed that Stewart Title Guaranty Company ("STGC") did terminate the agency agreement between STGC and Respondents, cancelling their agency relationship effective June 30, 2008.
3. I confirmed that Respondents do not have any agency contract with any title insurance company for the period of July 1, 2008 through November 5, 2008.
4. I have personally reviewed approximately 31 title commitments and at least one closing protection letter that Respondents have issued to consumers that appear to be on behalf of SSTGC after Respondents were cancelled by STGC. My

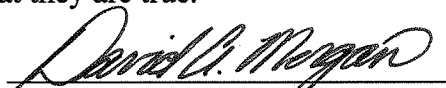
EXHIBIT

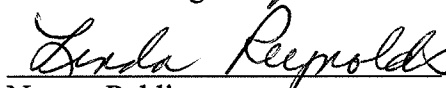
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review included title orders taken on or after July 1, 2008 to November 5, 2008. I found Respondents continued to issue title insurance commitments using STGC as the insurance company and collected title insurance premiums without authorization. I found that Respondents created a generic title insurance commitment without including any title insurance company as underwriting the transaction on at least two transactions issued in late October 2008.

5. I have also reviewed HUD-1 Settlement Statements that Respondents have prepared after STGC cancelled them showing title insurance premium was collected from consumers.

I hereby declare, under the penalties of perjury, that the facts stated in this affidavit are personally known to me, and that they are true.


David A. Morgan


Notary Public

Signed and sworn to
before me on November, 6, 2008.

Notary Public
My Commission expires on 8-13-15.

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STATE OF INDIANA
DEPT. OF INSURANCE

ORDER GRANTING EMERGENCY SUSPENSION

The Indiana Commissioner of Insurance ("Commissioner"), having reviewed the Title Insurance Division's Motion for Emergency Suspension, and being otherwise duly advised, now finds as follows:

FINDINGS OF FACT

1. Respondents currently hold title insurance qualifications in Indiana.
2. Respondents have continued to write title commitments and closing protection letters on behalf of a Stewart Title Guaranty Company after their agency relationship terminated.
3. Respondents have continued to collect fees from consumers for title insurance products that Respondents have no authority to issue.

CONCLUSIONS OF LAW

4. An emergency exists in that Respondents hold Indiana insurance producer licenses and have been collecting fees from consumers for title insurance and related products though they have no authority from any insurance company to do so.

5. In an emergency, the Commissioner may issue appropriate orders without notice or an evidentiary proceeding under Indiana Code 4-21.5-4-2(a) which states in relevant part:

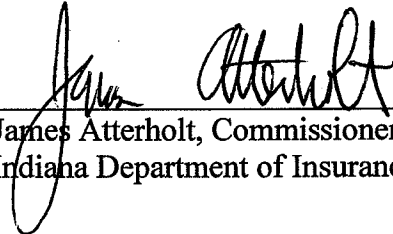
The agency shall issue the order under this chapter by one (1) of the following procedures:

(1) Without notice or an evidentiary proceeding, by any authorized individual or panel of individuals.

ORDER

It is, therefore, ORDERED, that the Indiana insurance producer licenses of Massey Abstract, Inc. and Linda Massey (license numbers 1917980 and 1745990) are hereby SUSPENDED pursuant to Indiana Code 4-21.5-4-2 for 90 days commencing on the date this order is issued.

The Respondents are hereby notified of their right to a hearing concerning this order as quickly as practicable under Indiana Code 4-21.5-4-4.


James Atterholt, Commissioner
Indiana Department of Insurance

Distribution to:

**Massey Abstract, Inc.,
307 Washington Street
PO Box 211
Covington, IN 47932**

**Linda Massey
1020 FOURTH ST
COVINGTON , IN 47932**

**Kathy Hulbert, Attorney
Title Insurance Division
Indiana Department of Insurance
311 W. Washington St., Suite 300
Indianapolis, IN 46402**